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Division

## 16 Miscellaneous offences

### Australian and New Zealand Standard Offence Classification (ANZSOC)

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#### Division 16 - Miscellaneous offences

Offences involving the breach of statutory rules or regulations governing activities that are *prima facie* legal, where such offences are not explicitly dealt with under any other division. If an offence is specified under regulation and involves an act that would be illegal under common law or general criminal legislation (e.g. assault on Occupational Health and Safety Inspector), then this offence should be dealt with under the appropriate generic group.

This division is further disaggregated into subdivisions on the basis of whether the offence was against the individual, the collective public, business or other entity.

Offences in this division are classified into the following subdivisions:

161 Defamation, libel and privacy offences

162 Public health and safety offences

163 Commercial/industry/financial regulation

169 Other miscellaneous offences

Subdivision

### 161 Defamation, libel and privacy offences

#### Subdivision 161 Defamation, libel and privacy offences

Actions intended to invade the privacy of, or to injure the reputation or good name of, an individual or company.

This subdivision is further disaggregated on the basis of whether the offence involves defamation or libel, or an invasion of privacy.

Offences in this subdivision are classified into the following groups:

1611 Defamation and libel

1612 Offences against privacy

#### 1611 Defamation and libel

Actions that are intended to injure the reputation or good name of an individual or company.

##### Inclusions:

Defamation

Libel

Unlawful publishing of defamatory matter

##### Exclusions:

Direct (face-to-face) threats where it is believed that the threat could be enacted. This constitutes assault and is coded to the relevant groups within Subdivision 021, Assault.

Extortion and/or blackmail. These are coded to Group 0621, Blackmail and extortion.

Threats of any other kind. These are coded to Group 0532, Threatening behaviour.

#### 1612 Offences against privacy

Actions that are intended to invade the privacy of an individual or company.

**Inclusions:**

Computer hacking not involving theft of intellectual property, fraud, property damage or breach of government security

Open mail

Phone tapping (other than phone tapping for espionage purposes)

**Exclusions:**

Obtain benefit by deception. These are coded to Group 0911, Obtain benefit by deception.

Phone tapping for espionage purposes. These are coded to Group 1559, Offences against government security, nec.

**Subdivision**

## **162 Public health and safety offences**

### **Subdivision 162 Public health and safety offences**

Offences involving the breach of statutory rules or regulations intended to preserve or improve the safety or health of the community at large.

This subdivision is further disaggregated on the basis of the type of health and/or safety issue.

Offences in this subdivision are classified into the following groups:

1621 Sanitation offences

1622 Disease prevention offences

1623 Occupational health and safety offences

1624 Transport regulation offences

1625 Dangerous substances offences

1626 Licit drug offences

1629 Public health and safety offences, nec

**Inclusions:**

Offences relating to sanitation resulting from breaches of regulations governing building, health and mental health, public health, and food preparation.

Offences relating to Occupational Health and Safety, industry safety, air, rail and water transport safety.

**Exclusions:**

Deception offences relating to health (e.g. Medicare fraud, forge prescription). These are coded to Group 0911, Obtain benefit by deception.

Pollution offences. These are coded to the relevant groups within Subdivision 122, Environmental pollution.

Offences involving explosives. These are coded to the relevant groups within Division 11, Prohibited and regulated weapons and explosives offences.

Quarantine offences. These are coded to Group 1693, Quarantine offences.

### **1621 Sanitation offences**

Offences involving insanitary practices in food preparation, waste disposal, institutional management, building and construction or other practices that are likely to give rise to a threat to public health.

**Inclusions:**

Careless/reckless disposal of a syringe

### **1622 Disease prevention offences**

Offences involving the failure to prevent or control the spread of infectious or other disease associated with food preparation, waste disposal, institutional management, building and construction or other practices.

### **1623 Occupational health and safety offences**

Offences involving the failure to preserve the health and safety of employees through the identification and/or control of dangerous, hazardous or inadequate work practices, equipment or facilities, instruction or training, or other health and safety measures associated with a place of

employment.

**Inclusions:**

Fail to provide safety clothing

Fail to provide adequate training

Fail to provide adequate or specified safety equipment

Fail to provide a safe working environment

### **1624 Transport regulation offences**

Offences involving the failure to preserve the health and safety of passengers or other persons travelling on or coming into contact with sea, air or land transport systems.

**Inclusions:**

Offences involving breaches of taxi regulations

**Exclusions:**

Unlawful interference with aviation. These are coded to Group 0499, Other dangerous or negligent acts endangering persons, nec.

Roadworthiness offences. These are coded to Group 1422, Roadworthiness offences.

Drive while licence disqualified or suspended. These are coded to Group 1411, Drive while licence disqualified or suspended.

Drive without a licence. These are coded to Group 1412, Drive without a licence.

### **1625 Dangerous substances offences**

Offences involving the failure to preserve the health and safety of the community through the unsafe use, handling, preparation, storage, labelling, or disposal of poisonous or other hazardous substances (not including alcohol or tobacco), where such offences do not constitute pollution control offences.

### **1626 Licit drug offences**

Offences involving the failure to preserve the health and safety of the community through the unsafe use, handling, preparation, storage, labelling, or disposal of drugs that may be legally purchased (not including alcohol or tobacco).

**Exclusions:**

Offences involving the possession, sale, importing or exporting of illicit drugs. These are coded to the relevant groups within Division 10, Illicit drug offences.

### **1629 Public health and safety offences, nec**

Public health and safety offences not elsewhere classified in Subdivision 162, Public health and safety offences.

**Inclusions:**

Fail to erect construction warning signs for the public

Fail to erect public safety barriers

Fail to notify the public of intended blasting

Fail to adequately or correctly label substances or products

**Subdivision**

## **163 Commercial/industry/financial regulation**

### **Subdivision 163 Commercial/industry/financial regulation**

Breaches of regulations designed to protect an industrial, commercial or financial activity, comprising acts that are harmful to persons, or acquisitive or deceptive, and that are not directed at health and safety and pollution control (i.e. they cannot be appropriately placed elsewhere).

This subdivision is not further disaggregated.

Offences in this subdivision are classified into the following group:

1631 Commercial/industry/financial regulation

### **1631 Commercial/industry/financial regulation**

Breaches of regulations designed to protect an industrial, commercial or financial activity, comprising acts that are harmful to persons, or acquisitive or deceptive, and that are not directed at health and safety and pollution control (i.e. they cannot be appropriately placed elsewhere).

**Inclusions:**

Restrictive trade/industry practices

Foreign boats fishing in Australian fishing zones unlawfully

**Exclusions:**

Personal illegal fishing offences (including fishing protected species and exceeding fishing quotas). These are coded to Group 1691, Environmental regulation offences.

**Subdivision**

## **169 Other miscellaneous offences**

### **Subdivision 169 Other miscellaneous offences**

Other miscellaneous offences not elsewhere classified in Division 16, Miscellaneous offences.

This subdivision is further disaggregated on the basis of whether the offences involved environmental issues, the movement of goods into or out of Australia, or other generally undefinable issues.

Offences in this subdivision are classified into the following groups:

1691 Environmental regulation offences

1692 Bribery (excluding government officials)

1693 Quarantine offences

1694 Import/export regulations

1695 Procure or commit illegal abortion

1699 Other miscellaneous offences, nec

### **1691 Environmental regulation offences**

Offences involving the breach of statutory rules or regulations aimed at the preservation of the natural environment, where the breach does not involve environmental pollution, property damage or theft.

**Inclusions:**

Disobey rules of parks/crown land

Discard litter

Possess native game/animal illegally

Total fire ban breaches

Flora and fauna offences

Personal illegal fishing offences (including fishing protected species and exceeding fishing quotas)

**Exclusions:**

Environmental offences involving pollution. These are coded to the relevant groups within Subdivision 122, Environmental pollution

Foreign boats fishing in Australian fishing zones unlawfully. These are coded to Group 1631, Commercial/industry/financial regulation.

### **1692 Bribery (excluding government officials)**

The offering, giving or accepting of a bribe involving an official other than a government official in the exercise of his or her official authority.

**Exclusions:**

Bribery of government officials. These are coded to Group 1542, Bribery involving government officials.

Offences against government security. These are coded to the relevant groups within Subdivision 155, Offences against government security.

Subvert the course of justice. These are coded to Group 1561, Subvert the course of justice.

### **1693 Quarantine offences**

Offences involving the failure to comply with quarantine requirements, where such failure entails a threat or potential threat to the health and wellbeing of plants or animals.

**Exclusions:**

Quarantine offences involving threats to human health and wellbeing. These are coded to the relevant groups within Subdivision 162, Public health and safety offences.

**1694 Import/export regulations**

Offences involving the movement of prohibited or controlled goods or other products across international borders, where such goods do not include weapons, explosives or drugs.

**Inclusions:**

Fail to declare goods

**1695 Procure or commit illegal abortion**

Offences involving the procuration and/or commission of an illegal abortion

**Inclusions:**

Commit an illegal abortion

Procure an illegal abortion

**Exclusions:**

Kill an unborn child/infanticide. These are coded to Group 0131, Manslaughter.

**1699 Other miscellaneous offences, nec**

Other miscellaneous offences not elsewhere specifically classified within this classification.